

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PEDRO CASTILLO,

Plaintiff,

v.

BYRON RODAS, RPA/M.D.,

Defendant.

BARBARA S. JONES
UNITED STATES DISTRICT JUDGE

USDC SDNY
DOCUMENT
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DATE FILED: 9/19/11

09 Civ. 9919 (BSJ)
Opinion & Order


Before the Court is Defendant Byron Rodas's Motion for Summary Judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure. Plaintiff, Pedro Castillo, filed a Motion in Opposition to Defendant's Motion for Summary Judgment together with his Motion to Amend the Complaint. Defendants' Motion for Summary Judgment is DENIED as there are disputed issues of material fact concerning whether Defendant was deliberately indifferent to Plaintiff's medical needs as well as whether Defendant retaliated against the Plaintiff for filing a grievance.

Plaintiff's Motion to Amend the Complaint to name Dr. Koenigsmann as a Defendant is GRANTED. Rule 15(a) of the Federal Rules of Civil Procedure provides that leave to amend "shall be freely given when justice so requires." Fed R. Civ. P.

15(a)(2). On the current record, the court does not find undue delay, bad faith by the movant, undue prejudice to the opposing party, or futility of the amendment, and therefore leave to amend is GRANTED. Foman v. Davis, 371 U.S. 178, 182 (1962). Defendant shall have 30 days in which to move or answer.

The Clerk of the Court is directed to terminate the motion (document 23).

SO ORDERED:


Barbara S. Jones
UNITED STATES DISTRICT JUDGE

Dated: New York, New York
September 16, 2011